

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**ORIGINAL**

**RECEIVED**

**SEP 23 1994**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

In the Matter of

N11 Codes and Other Abbreviated  
Dialing Arrangements

)  
) CC Docket No. 92-105  
)  
) IAD File No. 94-101

**DOCKET FILE COPY ORIGINAL**

**REPLY COMMENTS OF THE MEDIA PARTIES**

Werner K. Hartenberger  
Peter C. Canfield  
J.G. Harrington  
Christina H. Burrow  
Dow, Lohnes & Albertson  
1255 23rd Street, N.W.  
Suite 500  
Washington, D.C. 20037  
(202) 857-2500

Counsel for  
COX ENTERPRISES, INC. and  
GANNETT CO., INC.

Cheryl A. Tritt  
Morrison & Foerster  
2000 Pennsylvania Ave., N.W.  
Washington, D.C. 20006-1812  
(202) 887-1510

Counsel for  
THE HEARST CORPORATION

Peter C. Gould  
Robert L. Dimino  
Sabin, Bermant & Gould  
350 Madison Avenue  
Fifteenth Floor  
New York, NY 10017-3798  
(212) 692-4424

Counsel for  
ADVANCE PUBLICATIONS, INC.

Henry D. Levine  
D.E. Boehling  
Levine, Lagapa & Block  
1200 Nineteenth St., N.W.  
Suite 602  
Washington, D.C. 20036  
(202) 223-4980

Counsel for  
THE WASHINGTON POST  
COMPANY

September 23, 1994

No. of Copies rec'd  
List A B C D E

*014*

## **SUMMARY**

The Commission should adopt the rules it proposed two years ago and make N11 numbers available for use by local telephone-based information services providers. Experience over 30 months in two states shows that N11 service serves the public interest. Opponents of N11 service merely repeat old, theoretical arguments, most of which have been refuted empirically by the uniformly positive experience in Georgia and Florida.

Using N11 numbers for commercial purposes serves the public interest. Public service is fundamental to the nature of newspapers and other media outlets, which also have significant incentives to serve the broadest segment of the public. The broad popularity of N11 service demonstrates the public interest value of commercial uses of N11 numbers. This value was recognized by regulators in Florida and Georgia, who decided to expand N11 service after the successful trials in each state. "Commercial" users of N11 numbers serve important public needs through their dissemination of government-related information. Assignment of N11 numbers for telephone information services also will make use of the features of N11 service that are uniquely suited to locally-oriented information services.

N11 service will foster competition in information services. Today there are few locally-oriented information services providers where there is no N11 service. Where N11 service is available, there has been an explosion of the availability of locally-oriented information services, because N11 service makes these services economically feasible. While some commenters suggest that N11 service will impede competition, in reality N11 service is necessary before there can be competition in locally-oriented information services.

National assignments of N11 numbers, however, are not appropriate. N11 numbers cannot be used today across much of the nation, and there are significant technical barriers that would greatly delay the implementation of any "nationwide" N11 assignment. Implementation of national numbers also would be very costly. Thus, national assignments would not serve the needs that generated requests for national N11 numbers. Those needs are better met by 800 numbers.

Assigning N11 numbers to national uses also would be an inefficient use of this resource. The comments reveal enormous operational difficulties that would arise from trying to put the whole government on one telephone number and national assignments would waste the unique functionality of N11 numbers. Assigning N11 numbers at the national level also would create significant scarcity issues that will not be easily resolved.

While there are significant reasons not to assign N11 numbers for national uses, arguments against using N11 numbers for locally-oriented information services have been proven false. Largely because of the use of limited calling areas, scarcity has not been a significant concern in states where N11 service is available and numbers remain unassigned in every state where N11 service is offered. The Commission should follow its own past practice by making this resource available now and acting to encourage development of additional resources to address any potential scarcity.

At the same time, there are no workable substitutes for N11 service today. Experience shows that existing "alternatives" proposed by LECs, such as 900 numbers, do not meet the needs of the Media Parties and other local information services providers.

Other alternatives remain in the undefined future, as they did two years ago when this proceeding began.

Experience also shows that N11 service does not cause customer confusion. As the Media Parties noted in their initial comments, there have been no complaints of customer confusion over 30 months of experience and 1.4 million calls to the N11 numbers in West Palm Beach and Atlanta. LEC claims that confusion will occur are particularly disingenuous in light of their own uses of N11 numbers for inconsistent purposes across the country.

N11 service provides a unique opportunity to bring locally-oriented, low-cost telephone information services to communities across the country, using existing technology that can be implemented in many areas today. The empirical evidence shows that N11 service meets important needs of consumers and information services providers alike. In light of this evidence, the Media Parties submit that the Commission should swiftly adopt rules assigning N11 numbers for use by local information services providers.

## **TABLE OF CONTENTS**

## **PAGE**

	SUMMARY .....	i
I.	INTRODUCTION .....	1
II.	COMMERCIAL USE OF N11 SERVICE IS IN THE PUBLIC INTEREST .....	3
	A.    Newspapers and Other Media Outlets Are Already in the Business of Serving the Public .....	4
	B.    Unique Technical Features Make N11 Service Singularly Suited for Use as a Pay-Per-Call Service .....	7
	C.    More Information Can Only Help, Not Harm, the Public .....	8
III.	NATIONAL USES FOR N11 NUMBERS ARE NOT FEASIBLE .....	11
IV.	NATIONAL ASSIGNMENTS ARE NOT AN APPROPRIATE USE OF THE N11 RESOURCE .....	14
	A.    Use of N11 Service for Access to Government Information Would Not Be Efficient .....	14
	B.    N11 Number Availability Will Be Significantly Reduced If N11 Numbers Are Assigned on a National Basis .....	18
V.	ARGUMENTS AGAINST THE USE OF N11 NUMBERS TO PROVIDE LOCALLY-ORIENTED INFORMATION SERVICES HAVE BEEN PROVEN INCORRECT .....	20
	A.    Availability of N11 Numbers Has Not Been a Substantial Problem in the States Where N11 Service Is Available .....	21

	B.	No Workable Substitute for N11 Service Currently Exists .....	22
	C.	Customers Are Not Confused by N11 Service .....	24
VI.		CONCLUSION .....	26

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 92-105
N11 Codes and Other Abbreviated	)	
Dialing Arrangements	)	IAD File No. 94-101

**REPLY COMMENTS OF THE MEDIA PARTIES**

Cox Enterprises, Inc., Advance Publications, Inc., Gannett Co., Inc., The Hearst Corporation and The Washington Post Company (collectively, the "Media Parties"), by their attorneys, hereby submit their reply comments in response to the Public Notice in the above-referenced matter.<sup>1/</sup> As the Media Parties demonstrated in their comments, experience shows that N11 service is uniquely suited to provide the public with quick, easy and inexpensive access to local information services. N11 numbers are not, however, suited to the "national" uses proposed by some parties. Consequently, the Media Parties respectfully request that the Commission designate N11 numbers to be used for access to locally-based information services.

**I. INTRODUCTION**

Over the past year there has been considerable interest in advancing the United States into the coming "Information Age". Public policy makers agree that, to

---

<sup>1/</sup> Commission Seeks Comment on Requests of Federal Agencies and Others for the Assignment of N11 Codes, *Public Notice*, IAD File No. 94-101, rel. June 17, 1994. The Media Parties are a group of companies with significant interests in local media, including newspapers, broadcast stations and cable systems. See Comments of the Media Parties, Appendix A.

compete internationally in the future, the United States must develop both an advanced telecommunications infrastructure and a population capable of using advanced technology. They also agree that the country must act both to develop technology and to give consumers the opportunity to use that technology.

Many of the ideas for developing the information superhighway, however, involve technology that is still years away. Even existing technology is not widely deployed.<sup>2/</sup> Consequently, government at all levels should encourage the dissemination of information to the general public at low cost using technology that is widely available today.

N11 service, as the Media Parties showed in their comments, is the ideal vehicle to connect millions of Americans to the information superhighway quickly, easily and inexpensively. N11 service is the only presently available vehicle that can be used by information services providers to provide low-cost, pay-per-call, local electronic information services. This type of "commercial" use of N11 numbers is therefore in the public interest because it will allow the public access to information that it wants and needs, much of which is currently unavailable or difficult for the general public to obtain.

Opponents of N11 service repeat the same arguments they raised over two years ago when releasing N11 numbers was first proposed. While the arguments of N11 opponents have remained the same, the facts have changed. Experience has proven the

---

<sup>2/</sup> For instance, less than 30 percent of all households have computers. See H. Mattern, *School Bells and Software*, ARIZ. REPUBLIC, Aug. 8, 1994 at E1. Modem penetration is far less than that.



opponents wrong. N11 service has been used successfully by information services providers in two states for over 30 months with more than 1.4 million calls from consumers, and none of the problems feared by N11 opponents has materialized.

In light of the empirical evidence, the Commission should reject the recycled hypothetical arguments against the use of N11 numbers by information services providers. Rather, the Commission should take the necessary steps to make quick, inexpensive access to the information superhighway through N11 service a reality. It can do so by adopting the rules proposed in the initial Notice of Proposed Rulemaking in this proceeding.<sup>3/</sup>

## **II. COMMERCIAL USE OF N11 SERVICE IS IN THE PUBLIC INTEREST.**

Some commenters urge the Commission to reserve all N11 numbers for "public interest" use, meaning use by not-for-profit entities.<sup>4/</sup> The Commission should reject the cramped view of the public interest espoused by these parties. As the Commission has long acknowledged, commercial uses of resources can serve the public interest as well as "public" uses, and often are superior to "public" uses.<sup>5/</sup> In this case,

---

<sup>3/</sup> See N11 Numbers and Other Abbreviated Dialing Arrangements, *Notice of Proposed Rulemaking*, 7 FCC Rcd 3004, 3006 (1992).

<sup>4/</sup> See Comments of Sprint Corporation at 2.

<sup>5/</sup> For instance, the Commission is requiring public safety users of 2 GHz spectrum to relocate to accommodate the development of PCS. See *Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, *Memorandum Opinion and Order*, 9 FCC Rcd 1943, 1947 (1994). Similarly, the Commission historically has not accorded public entities any advantage in broadcast comparative hearings. See (continued...)

using N11 numbers to provide locally-based information services certainly is in the public interest because it will give the public access to new, inexpensive sources of information.

**A. Newspapers and Other Media Outlets Are Already in the Business of Serving the Public.**

Public service is fundamental to the nature of newspapers and the other media interests of the Media Parties. If newspapers do not fulfill the public's needs, they will not remain in business. This is particularly true in today's competitive media environment. As a result, newspapers and other locally-based media outlets have developed a keen sense of what matters to the public in their communities. N11 numbers can be used to serve the public interest in information.

Because newspapers and other locally-based media, by their very nature, are designed to serve broad segments of the public, the suggestion that commercial use will not benefit the "broadest possible public" is wrong.<sup>6/</sup> Just the opposite is true — commercial uses such as newspaper information services are the most likely to have broad public appeal. As is shown by the success of N11 service in Florida and Georgia, N11 numbers used to provide access to information services receive unprecedented call volumes with extremely high consumer satisfaction. Calls come from all segments of the general public

---

<sup>5/</sup> (...continued)

Policy Statement on Comparative Broadcast Hearings, *Public Notice*, 1 F.C.C.2d 393 (1965).

<sup>6/</sup> See Comments of the Iowa Utilities Board at 2.

and request information on a wide variety of topics, further demonstrating that the public perceives the use of N11 numbers by information services providers to be in their interest.

Several states have recognized that use of N11 numbers by "commercial" entities is in the public interest. Georgia and Florida tested N11 service in their states, and both later found the use of N11 numbers by commercial information services providers across their states to be in the public interest.<sup>7/</sup> In the five states where commercial N11 service is available from the telephone company (Georgia, Florida, Tennessee, Louisiana, and Alabama), use of N11 service by commercial entities was found to be in the public interest, in large part, because many of the entities requesting N11 service were established local newspapers with a reputation for serving the public interest. Florida, after an extensive hearing, weighed the public benefits of both N11 service and proposed alternative uses of N11 numbers and concluded that N11 service best serves the public interest.

In fact, as several commenters show, there is no clear line between commercial and non-commercial uses of N11 service. For example, the *Citizen Tribune*, a newspaper in Morristown, Tennessee, provides local information, such as a neighborhood recycling schedule, in conjunction with its recently assigned N11 number.<sup>8/</sup> BellSouth describes how commercial users of N11 service can use N11 numbers for charitable

---

<sup>7/</sup> For a complete review of the N11 trials in Georgia and Florida *see* Comments of the Media Parties at Appendix B.

<sup>8/</sup> Comments of the *Citizen Tribune* at 1.

purposes, while governmental users may use N11 numbers — like commercial users — to provide information on a pay-per-call basis.<sup>9/</sup>

Thus, the Commission should be wary of vague proposals to reserve N11 numbers for use by non-commercial entities and of claims that uses by "public," *i.e.*, not for profit, entities are inherently more valuable to the public interest than uses by commercial entities. Newspapers and other locally recognized media outlets have a long history of public service, and the Commission should support their efforts to bring new and innovative information services to the general public through technology that is available today.<sup>10/</sup>

---

<sup>9/</sup> Comments of BellSouth Telecommunications, Inc. at 7 n.13. By the end of the fundraising drive described in the BellSouth comments, nearly \$60,000 was raised for flood relief in Georgia. Similarly, Williams Communications, one of the other N11 users in Atlanta, has been commended by the League of Women Voters for its VoterConnect service, which gives citizens a new way to communicate with their elected leaders.

<sup>10/</sup> In addition, the Commission should not be swayed by overblown concerns regarding potential recall of N11 numbers for "better" uses. In particular, the "takings" argument of the Idaho Public Utilities Commission has no merit. The Idaho comments claim that, if an assigned N11 number is taken away from an information services provider, that action is a taking of property that requires compensation. Comments of the Idaho Public Utilities Commission at 3. This argument is completely wrong. All number assignments are conditioned on the potential need of a certain number for other purposes, and current number assignment guidelines explicitly state that telephone number users do not have a property interest in the numbers they use. *See, e.g.*, 555 NXX Assignment Guidelines, Industry Numbering Committee, Docket No. 94-0429-002, April, 1994 at 4. N11 numbers are no different in this respect from other telephone numbers, and the Commission is free to permit the assignment of N11 numbers subject to later recall. In fact, all commercial assignments of N11 numbers in BellSouth territory have been conditioned on their potential recall for other uses.

**B. Unique Technical Features Make N11 Service Singularly Suited for Use as a Pay-Per-Call Service.**

Commercial use of N11 service also is in the public interest because localized, pay-per-call services use the technical features of N11 service to their maximum advantage. First, as the Media Parties discussed in their comments, N11 numbers are designed to cover limited geographic areas; it is impossible for callers to dial an N11-based service that is located outside of the area code from which they are dialing. Comments of the Media Parties at 8 n.12. This limit on the dialing area of N11 service, which makes N11 use inappropriate on a national scale, makes N11 service ideal for use by localized information services providers because it allows them to target their services to a specific audience defined by the limited area of N11 coverage. Moreover, the limit on N11's dialing area keeps prices low and allows small information services providers, such as local or community newspapers, to provide local information services through N11 numbers on a cost-efficient basis. *Id.* at 9-10.

Second, N11 service already is configured to capture the information needed for billing and collection, an essential component of pay-per-call services. As the Media Parties explained in their comments, by charging (and collecting) a small fee for each N11 information request, information services providers can vastly expand the range of information available to the general public over the telephone. N11 service makes collection of this small fee technically possible. Use of N11 numbers to provide access to "public" services that do not require billing and collection information would thus waste this important feature of N11. This is significant because use of a numbering resource is

efficient only if it fits the characteristics of that resource. Much as 800 service is suited to free, potentially nationwide services, N11 numbers are uniquely suited to limited area, low-cost, pay-per-call services of the type that the Media Parties and other information services providers seek to provide. The Commission should take advantage of this unique functionality and should not permit it to be wasted.

**C. More Information Can Only Help, Not Harm, the Public.**

Some commenters suggest that making N11 service available to information services providers would confer a competitive advantage on the information services providers that obtained N11 numbers.<sup>11/</sup> This argument is based on the false premise that there is now thriving competition in the market for local information services. Rather, competition in that market is likely to emerge only if N11 service is made available to commercial information services providers. This conclusion is verified by the experience in areas where N11 service is now available.

In many cities today, there are no companies or there is only one company offering broad-based information services over the telephone. Simply put, most companies are unable or unwilling to commit the financial resources necessary to a successful information services offering unless they can somehow recover their costs.

For example, in New York City, where four daily newspapers compete, there are no broad-based telephone information services providers. Even the *New York Times*

---

<sup>11/</sup> See Comments of GTE Service Corporation at 2-3.

has chosen to enter the computer information services market rather than offering wide-ranging telephone information services.<sup>12/</sup> New York is hardly alone in this regard. Most major cities have no broad-based telephone information services providers and no major city outside of BellSouth territory has more than one.

Where N11 service is available, however, it is possible for companies to recover their costs. This greatly increases the number of entities that are interested in providing information services to the public and, in cities such as West Palm Beach, Nashville and Atlanta, the availability of N11 service makes it possible for multiple information services providers to operate. Before N11 service was available there were no telephone information services providers in Nashville: now there are two. In Atlanta, there was only one telephone information services provider before N11 service became available: now there are two, with two others scheduled to begin service in the near future. In every area the experience has been the same: availability of N11 service has greatly *increased* the number of locally-based information services available over the telephone.

The reason for the sudden growth of local information services when N11 service becomes available is that N11 service makes broad-based localized information services economically possible. As the Media Parties explained in their comments, N11 service is the only available telephone service that combines a limited calling area and pay-per-call features at rates that permit the information services provider to offer its services at a reasonable price. Comments of Media Parties at 7-9. Other services, including every

---

<sup>12/</sup> Stuart Elliott, *Times Begins On-Line News*, N.Y. TIMES, June 10, 1994, at D15.

alternative posited by other parties in this proceeding, do not meet these requirements. *Id.* at 24-32.

In other words, N11 service does not impede competition or create a monopoly. Rather, the availability of N11 service is a threshold condition for meaningful competition in the provision of broad-based localized information services available over the telephone.<sup>13/</sup> If the Commission wants to increase competition in the information services arena, it should swiftly designate N11 numbers for use as access vehicles for localized information services providers.<sup>14/</sup>

---

<sup>13/</sup> The Media Parties agree that the availability of more plentiful abbreviated dialing arrangements, such as #NXX, would increase the opportunities for competition, and they support the development of alternative dialing arrangements. Those alternative arrangements, however, will not be available in the foreseeable future. Comments of the Media Parties at 31. Moreover, if past experience is any guide, telephone companies will be disinclined to make alternative arrangements available unless they have powerful incentives to do so. Thus, N11 service is the only immediate practical approach to making abbreviated dialing available to localized information services providers. Until such time as alternative arrangements are available, use of N11 numbers also is the only way that any competition in broad-based information services targeted to limited geographic areas will emerge.

<sup>14/</sup> Pay telephone operators express concern that they could be adversely affected by the assignment of N11 numbers, both by carrying N11 calls without being able to recoup the charges they will incur and by losing the ability to use N11 numbers for special internal uses. Comments of the American Public Communications Council at 3, 5-6. These are legitimate concerns, but are easily addressed either through blocking or through agreements with N11 providers. The Media Parties note that Southern Bell's Georgia N11 tariff provides that N11 calls from pay telephones will be blocked. Compensation to pay telephone providers also could be mandated.



### **III. NATIONAL USES FOR N11 NUMBERS ARE NOT FEASIBLE.**

The Commission has received a series of requests for national assignments of N11 numbers. While the goals of the parties making these requests are laudable, the vehicle they have chosen for their services does not suit their needs. In practice, N11 numbers are not the appropriate resource for national uses because of significant technical barriers to the implementation of nationwide N11 numbers.

The primary barrier to nationwide use of N11 numbers is that N11 service is not technically available in large parts of the country. Simply put, N11 numbers cannot provide uniform nationwide access to any service in the reasonably foreseeable future. The time and expense that would be required to create nationwide service would be enormous, and it makes no sense to devote resources to that task when other telephone services are available to meet the same need.

Making N11 numbers available nationwide would be time consuming and costly. N11 service is available only where there is appropriate switch hardware *and* software. Even where the hardware is available, changing software will not be an easy process. As BellSouth explained in its comments, each telephone service end office would have to be individually programmed and tested to ensure operability,<sup>15/</sup> a process that could take years, especially in light of the enormous variations in hardware and software in the thousands of different end offices throughout the country. Nationwide N11 accessibility would also be costly: the Florida Public Service Commission estimates that the total cost

---

<sup>15/</sup> Comments of BellSouth Telecommunications, Inc. at 8.

for just the technical aspects of providing nationwide N11 service could easily be \$250 million or more.<sup>16/</sup>

BellSouth and the Florida Public Service Commission may underestimate the time and expense necessary to make N11 numbers ubiquitously available nationwide. Neither considers the large areas of the country where significant hardware modifications would be necessary to accommodate use of N11 numbers. Similarly, neither considers the results of efforts to make 911 service ubiquitously available, which remain far short of their goal more than 20 years after 911 service first was introduced.<sup>17/</sup>

Because of the time and expense involved, assigning an N11 number or numbers for a use such as access to telecommunications relay service ("TRS") actually would delay the implementation of any program of nationwide access to such a service.<sup>18/</sup> Without ubiquity and uniformity, the goals of the parties requesting wide area assignments cannot be achieved. *See, e.g.,* Comments of the Department of Transportation at 2 (describing intended use for travelers); *see also* 47 U.S.C. § 225(b)(1) (requiring nationwide availability for relay service).

---

<sup>16/</sup> Comments of the Florida Public Service Commission at 3.

<sup>17/</sup> As reported to the Commission in March, 65 to 70 percent of the nation's land area still cannot reach emergency services by dialing 911. Presentation of William E. Stanton, Executive Director, National Emergency Number Association, to Office of Engineering and Technology Tutorial, "Wireless Communications and Enhanced 911 Service," March 24, 1994.

<sup>18/</sup> Technical issues would also delay the implementation of *any* national use for N11 numbers, whether commercial or not-for-profit.

For example, while the National Center for Law and Deafness ("NCLD") has requested an N11 number or numbers for TRS access,<sup>19/</sup> grant of this request would mean that TRS service would be unavailable in large portions of the country. This is contrary both to the requirements of the Communications Act and to the expressed desire of TRS users for uniform, ubiquitous access numbers. The comments and letters of TRS users reflect the frustrations they face trying to find local TRS numbers as they travel around the country and the problems faced by hearing persons when trying to contact a TRS user, and these concerns should be addressed by any number assignment for TRS.<sup>20/</sup>

While N11 service would not overcome these difficulties, 800 service can meet the needs of TRS users today. This service is currently available everywhere in the country, and the necessary arrangements can be made quickly and inexpensively to provide nationwide, uniform TRS access via an 800 number. These numbers also can be extremely easy to remember if an appropriate number, such as 800-855-TALK is used. Further, the availability of 800 number portability would preserve the possibility of competition between relay service providers.<sup>21/</sup>

---

<sup>19/</sup> Comments of NCLD *et al.* at 1-2.

<sup>20/</sup> See, e.g., Comments of Beth Fitts at 1, Filed Nov. 17, 1993, IAD File No. 93-02.

<sup>21/</sup> In 1991 the Commission declined to establish a uniform 800 number for TRS because at that time 800 numbers were assigned to a particular carrier. See Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, *Report and Order and Request for Comments*, 6 FCC Rcd 4657, 4665-66 (1991).

It makes little sense to spend hundreds of millions of dollars and years of time trying to make N11 numbers work for nationwide purposes when existing, relatively inexpensive resources such as 800 numbers are available. The Commission should, instead, deploy numbering resources in ways that are consistent with the characteristics of these resources, and assign N11 numbers for limited area uses.

**IV. NATIONAL ASSIGNMENTS ARE NOT AN APPROPRIATE USE OF THE N11 RESOURCE.**

The technical barriers to national use of N11 numbers are formidable, but there are additional reasons why the Commission should not assign N11 numbers for the national uses proposed by some parties. Indeed, the proposed national uses would waste the unique characteristics of N11 numbers in the telephone network. Moreover, assignment of N11 numbers to national uses would raise significant questions regarding how the numbers should be allocated. Thus, N11 numbers are not suited to national use and should instead be assigned to the limited-area uses proposed by the Media Parties.

**A. Use of N11 Service for Access to Government Information Would Not Be Efficient.**

There is significant evidence that the kind of service proposed by government agencies is not suited to the platform they propose. As a result, assignment of N11 numbers for access to government information would be an inefficient use of this numbering resource.

First, there are significant operational difficulties in making information about the entire government available through a single telephone number. As noted by the Florida Public Service Commission, just the written listings of government services and agencies often run to hundreds of pages.<sup>22/</sup> Obtaining this type of directory information from a telephone listing would be extremely complex, and would require callers to navigate complicated audio menus as they search for the agency or service they want to reach. Most callers dislike complicated audio menus, so it is likely that most callers, rather than waiting on the telephone until they reach the proper service or agency, would prefer instead to simply look up an agency's direct telephone number in their local telephone book and then call the agency directly.

In its request for a national N11 number for federal government use, the General Services Administration ("GSA") avoids this issue. It states that "local calling patterns" would determine the content and order of how agencies are listed on a caller's initial N11 menu, and admits that not all agencies and services would be available as menu options after dialing N11.<sup>23/</sup> Consequently, under the GSA proposal callers will not know which agencies are not represented on a particular N11 menu in any particular locality, and may have to listen to the entire agency menu before learning whether the agency they want to reach is represented. Even the simplest menu listing federal government functions is

---

<sup>22/</sup> Comments of the Florida Public Service Commission at 2 n.1.

<sup>23/</sup> Petition for Declaratory Ruling of the General Services Administration, March 11, 1994, at 3.

likely to have dozens of choices, ranging from the Internal Revenue Service to the Social Security Administration to agricultural extension agents.<sup>24/</sup> As a result, GSA's proposal would provide neither the uniformity nor the ease of use that it claims.

Further, in order to be usable at all, the GSA menu could list only a very limited number of government services and agencies. Most agencies, such as the Overseas Private Investment Corporation, the National Aeronautics and Space Administration, and the Federal Labor Relations Authority, all of which filed comments stating that they would benefit from increased public accessibility, probably would never be listed on an N11 menu anywhere in the country. Despite the claims of the government entities that filed comments, N11 service would not improve the public's awareness of most agencies and would do nothing to increase agency efficiency and responsiveness to the public.<sup>25/</sup>

As is apparent from the nearly-identical federal agency filings, the GSA orchestrated comments in an effort to sway the Commission with a "groundswell" of agency support for its proposal.<sup>26/</sup> The federal agency filings much more effectively demonstrate that neither the GSA nor the agencies that filed comments at its behest understand the nature of N11 service or of audio information services in general.

---

<sup>24/</sup> Moreover, if the federal agency comments are any guide, it is likely that every agency will want to be on every local menu.

<sup>25/</sup> The government agencies making this claim provide no support for their argument. *See, e.g.,* Comments of the Department of Health and Human Resources at 2.

<sup>26/</sup> One government agency even filed a complete copy of the GSA's "fill-in-the-blank" comments, including the instructions on what to say and how to file. *See* Comments of the Federal Labor Relations Authority.

For instance, the Department of Transportation says it will use a federal N11 number to aid travelers in emergencies, a use that requires ubiquity that is not available for N11-based services. Comments of Department of Transportation at 2. None of the comments from the federal agencies explore any of the difficult questions about how a nationwide federal N11 number would be provisioned or how it could be designed to be of any use to consumers.<sup>27/</sup> It is apparent that these agencies filed comments not because of any deep commitment to a unified government information number, but because the GSA asked them to file.

Moreover, even when government has had the opportunity to provide the kinds of service proposed by the GSA it has not taken advantage of it. For example, the Georgia Public Service Commission assigned "211" to the state government more than 16 months ago, and the state has yet to activate the number.<sup>28/</sup> Similarly, the Tennessee Public Service Commission made a number available to its state government which has yet to be used. The results of these efforts to permit government use of N11 numbers suggest strongly that government assignments are most likely to result in no service to consumers.

At the same time, the information that people want about the government will be available through private sources. The dissemination of information about the

---

<sup>27/</sup> The comments also do not address why an N11 number should be assigned when the GSA has yet to take advantage of an existing resource — 800 numbers — that can be used to provide uniform, ubiquitous access to government information at low cost.

<sup>28/</sup> See Southern Bell Telephone and Telegraph Company N11 Tariff Filing, *Order*, Docket No. 4232-U, May 4, 1993 at 14.

government has long been a core function of the media. The Media Parties have worked long and hard to extend that function to electronic information services,<sup>29/</sup> and the availability of N11 service is an important step in that direction. N11 service should be used to provide the public with more than just a high-tech telephone directory; it should be used to provide the public with information. N11 service represents a unique vehicle to get more information to the public at a low cost. The GSA request cannot achieve this result.

**B. N11 Number Availability Will Be Significantly Reduced If N11 Numbers Are Assigned on a National Basis.**

It is ironic that some commenters opposing N11 service argue that the numbers are too scarce to assign in local markets, but at the same time urge that N11 numbers be assigned for national uses. In practice, the ever-expanding range of proposals for national uses is certain to overload the N11 resource. As demonstrated below, assignment of N11 numbers locally is considerably easier to manage. *See* Part V(A), *infra*.

While scarcity has not been a problem when N11 numbers have been assigned on the state and local level, requests for national N11 number assignments already exceed the pool of numbers that would be available. Even if the Commission were to restrict N11 number assignment to not-for-profit groups, municipal, state, and national

---

<sup>29/</sup> See Comments of Media Parties at 15 n.19 (describing The Washington Post Company's service to provide information on effects of tax law changes). Cox's N11-based service in Atlanta has included information about local, state and federal government services since the number was activated.



government entities already have requested N11 numbers.<sup>30/</sup> The relay service access proposed by NCLD would require at least two numbers and potentially as many as four. At the same time, all parties agree that there are four to six N11 numbers available for use.

In other words, the Commission already has requests for assignment of at least five, and potentially as many as seven, numbers for "public interest" uses, and there are only four numbers that are not in use for previously-assigned uses in significant parts of the country.<sup>31/</sup> Given the history of this proceeding, more requests for national assignment likely will emerge if the Commission assigns N11 numbers to national uses. The result will be that the Commission will have many more legitimate requests — albeit ill-suited — for N11 numbers than can be accommodated by the N11 resource.<sup>32/</sup> The Commission will have a difficult time determining which entities will receive numbers if it is forced to choose between competing applicants.<sup>33/</sup>

---

30/ See Comments of the City of Dallas at 2; Comments of the National Association of State Telecommunications Directors at 1; Petition for Declaratory Ruling of the General Services Administration at 1.

31/ As described in the initial notice of proposed rulemaking, of the eight N11 numbers, 411, 611, 811 and 911 are assigned, if not used, for directory assistance, repair, business office access and emergency access throughout the country. The North American Numbering Plan permits other uses of 611 and 811, but the Commission's central office code survey shows that both numbers are in use in significant parts of the country.

32/ If N11 numbers were made available nationally for commercial uses, it is likely that initial demand would be even greater. This is one of the reasons that MCI's proposal for nationwide commercial assignment should be discarded. Comments of MCI at 2.

33/ Some commenters suggest that the Commission should develop N11 assignment guidelines so that N11 number assignment can be made by the North American Numbering Plan Administrator. Comments of Southwestern Bell Corporation at 2. These suggestions  
(continued...)